

[PNP MEMORANDUM CIRCULAR NO. 2013-020, November 27, 2013]

PATNUBAY III

I. REFERENCES:

- a. PNP Pre-Charge Evaluation and Summary Hearing Guide (PNP Internal Discipline Mechanism) 2011;
- b. Revised Rules on Administrative Cases in the Civil Service (RRACCS) dated November 21, 2011;
- c. DPRM Discipline, Law and Order Manual dated January 20, 2009;
- d. Letter of Instructions (LOI) No. 21/08 (PATNUBAY II) dated April 30, 2008;
- e. NAPOLCOM Memorandum Circular Number (NMC No.) 2007-001 dated March 6, 2007;
- f. LOI (PATNUBAY) dated July 31, 1998; and
- g. Republic Act Number (RA. No.) 6975 as amended by RA. No. 8551 dated February 25, 1998, and further amended by RA. No. 9708.

II. RATIONALE:

The PNP Disciplinary Machinery is dynamically evolving as the years pass by. Various Letters of Instructions, Memoranda, Circulars and other policies pertaining to disciplinary machinery of the PNP had gained recognition and attained its objectives and purposes in cleaning up the ranks of the PNP. However, these policies should also be abreast with the realization of the PNP P.A.T.R.O.L. Plan 2030 through the strategic focus of "CODE-P 2013 and beyond" wherein all aspect of enforcing discipline to all PNP personnel should be codified into one.

During the past several years, Patnubay II has been an effective strategy in ridding the organization of defiant police personnel who refuse to toe the line of transformation. Now, all are accounted to be part of the new strategic focuses of "CODE-P 2013 and beyond" which clearly define discipline as commitment to duty, law and order with an end view of rendering "Serbisyong Makatotohanan" to the general public.

The objectives of the strategic focus on Discipline are to provide measures to determine the public perception on the level of PNP's performance in enforcing discipline, law and order; review the implementation of new Individual Performance Evaluation Report (IPER) system; institutionalize new mechanisms and safeguards (digitized storage) in fast-tracking administrative cases; and establish one PNP clearance system, nationwide.

In line with the new strategic thrust on discipline, there is a need to raise the current LOI 21/08 (PATNUBAY II) to a higher level of discipline, which shall not only focus on cleansing the ranks of misfits but also on institutionalizing the commitment to duty through the IPER system, the simplification of the disciplinary machinery to

fast-track the resolution of administrative cases and to establish a nationwide clearance system to facilitate the processes regarding promotion, retirement, vacation and mandatory leaves, and other procedures, which need disciplinary clearance.

Hence, the PNP hereby institutionalize and codify all disciplinary policies to sustain the implementation of existing disciplinary policies and at the same time introduce reforms to operationalize the IPER as a measure of work commitment; to monitor and fast track the resolution of administrative cases; and to establish nationwide clearance system to simplify personnel requirements and transactions.

III. PURPOSE:

This PNP MC shall amend the existing LOI 21/08 (PATNUBAY II) to include the new policies on discipline issued by the Civil Service Commission (CSC), National Police Commission (NAPOLCOM) and Philippine National Police (PNP).

IV. DEFINITION OF TERMS:

- a. Absence Without Official Leave (AWOL) – In general, it refers to the status of official or employee who absents himself from work without an approved leave of absence.
- b. Acknowledgement Receipt of Equipment (ARE) – A documented verification that goods have been received or services have been rendered. It is indicated by the recipient's signature on a bill of lading, an invoice or another form.
- c. Certificate of Finality – It is a written document issued by the Disciplinary Authority concerned certifying that an Order or decision is final and executory because the respondent failed to file an MR within the required period, or the motion was denied and the respondent did not appeal. The Certification must include copy of the proof of service in chronological order, duly authenticated by the C, RPHRDD.
- d. Certificate of Implementation – It is a written document issued by the concerned Disciplinary Authority certifying that an Order, Decision or Resolution is subject for implementation either because of the denial of an MR, or pendency of an appeal from an Order or Decision with a penalty or the absence of a Temporary Restraining Order (TRO), Preliminary Injunction or Prohibition. The certification must include copy of the proof of service and / or notice, in chronological order, duly authenticated by the C, RPHRDD.
- e. Case Monitoring and Case System – a central database of administrative and criminal cases, and clearances of the PNP.
- f. Dropping from the Rolls – A non-disciplinary administrative sanction by which the name of the PNP personnel is deleted from the roster of personnel.
- g. Individual Performance Evaluation Rating (IPER) – used to assess the performance of PNP personnel in terms of his/her contribution to the attainment of the PNP mission and vision, his/her skills, competencies and attitude towards work.
- h. Just Debt – shall apply only to claims with court adjudication or an obligation admitted by respondent.
- i. PNP Personnel – Uniformed and Non-Uniformed members of PNP in active service.
- j. Probable Cause – refers to the existence of such facts and circumstances as would excite the belief, in a reasonable mind, acting on the facts within the knowledge of the investigating officer, that the PNP member complained of is liable for the administrative offense for which he should be formally investigated.
- k. Reinstatement – is the issuance of an appointment to a person who has been previously appointed to a position in the career service and who has, through no

delinquency or misconduct, been separated therefrom or to one who has been exonerated of the administrative charges unless the decision exonerating him specifies restoration to his previous position.

l. Restrictive Custody – refers only to nominal restraint which is beyond the ambit of habeas corpus. It is neither actual nor effective restraint. It is a permissible precautionary measure to assure the PNP authorities that the police officer concerned is always accounted for.

m. Suspension – A temporary cessation from work.

n. Termination Proceedings – The conduct of investigation or review of the case against any PNP member under temporary status (PO1/ Technical and Line Lateral Officers) who manifested unsatisfactory conduct or performance or committed administrative offenses which could warrant termination of service.

V. GUIDELINES:

a. Concept of Operations

In accordance with the strategic focus on discipline, all phases of enforcing discipline to every PNP personnel shall be incorporated to this version of PATNUBAY III. This PNP MC shall cover issues on imposition of discipline, law and order from the first day of police work of every PNP personnel until his/her service shall be severed by lawful cause or his/her retirement date. There will be four (4) phases of discipline which shall govern all stages of PNP career development starting from the probationary period to official performance of duty and until the retirement stage of PNP personnel. The first phase is the Preventive Phase wherein measures are designed to instill discipline to PNP personnel in every aspect of policing. The second phase is the Investigation and Adjudication Phase which shall deal with the reforms in procedures to fast track the resolution of administrative cases. The third phase is the Reformation aspect which pertains to the measures to reintegrate the PNP core values and discipline to concerned PNP personnel and units. The fourth phase is the Case Monitoring and Clearance System to simplify the personnel transaction and processes.

1) Preventive Phase

- a) All PNP offices/units shall conduct a monthly inspection on all PNP personnel for accounting of individual's well grooming, issued firearms, Individual Performance (IP) Card, Miranda Doctrine Card and other uniform paraphernalia;
- b) All RPHRDD/RPMD/ARMD shall conduct a five (5) day orientation training to all newly appointed PNP personnel (recruit/lateral/PNPA graduates) before undergoing Field Training Program (FTP) to provide guidance on proper police decorum, the nature of police work and the expected performance as police personnel;
- c) All PNP offices/units shall require all personnel to draft their own IP Card based on the actual duties and responsibilities within the said office and the performance of identified duties and responsibilities shall be the basis for IPER to be submitted semi-annually;
- d) All PNP offices/units shall strictly comply with CMC No. 19-2013 re PNP Review and Compliance Committees (RCC) and Policy Guidelines and Procedures on Accomplished Statement of Assets, Liabilities and Networth Forms;
- e) All PNP offices/units shall establish a Quality Service Lane (QSL), a

version of "Isumbong mo kay Tsip" or "Subukan Nyo Po Kami" or a similar reporting system thru SMS (text 2920) for the public to air their complaints and to report any crime incident in the area which shall be acted upon with speedy disposition by concerned offices;

- f) All PNP offices/units shall include in the Police Information Continuing Education (PICE) the topics on ethical standards and decorum, human rights and anti-graft and corrupt practices in order to mold and instill unit discipline among its personnel;
- g) All PNP offices/units shall strictly comply with the CMC re "Prescribing the Policies and Procedures Governing the Placement of Second (2nd) Level Uniformed Personnel" to promote simplified and transparent system of transferring personnel from one office to another;
- h) All PNP personnel who shall be relieved from present assignment/designation/position shall conduct formal inventory of all records/documents/property under his/her custody in the presence of his immediate supervisor and shall turn-over the same to his/her successor in the position prior to the issuance of a property clearance;
- i) All PNP personnel who shall be designated/assigned in a certain position shall conduct inventory to counter-check the records/documents/property of such unit and receive the same from his/her predecessor;
- j) In case no inventory and proper turn-over has taken place, the successor has the duty to conduct the inventory and initiate appropriate charges against the predecessor;
- k) All PNP offices/units shall comply with NMC No. 2010-004 and NMC No. 2012-002, a transparent criteria and procedures on giving incentives, awards and rewards as well as promotion by position and rank based on merit and fitness;
- l) All PNP offices/units shall strictly observe the simplified procedure on personnel transaction of Directorate for Personnel and Records Management (DPRM);
- m) All PNP offices/units shall submit request for random drug test and physical and mental examination of their respective personnel to the PNP Health Service (HS) and PNP Crime Laboratory Group (CLG), annually;
- n) The PNP HS and CLG shall schedule the annual random medical and neuro-psychiatric test and drug test respectively, to all PNP personnel;
- o) All results of random medical and neuro-psychiatric test and drug test shall be submitted to DPRM for consolidation and for proper disposition within the required period as mandated by pertinent rules and regulations, especially in cases of "positive" result;
- p) All PNP offices/units shall conduct a quarterly inventory of administrative and criminal records of all personnel with complete details and status and submit the same to DPRM for establishment of database for Case Monitoring and Clearance System;
- q) Discipline of NUPs shall be in accordance with the URACCS or RRACCS, which is in force at the time of the commission of the offense;
- r) Jurisdiction over administrative cases against NUP shall be vested

with their respective appointing authority (Regional Director (RD) or Chief, PNP, as the case may be); and

- s) All PNP personnel shall be required to update their contact information (home address, e-mail addresses and phone numbers) annually. The DPRM, through RPHRDD, DPHRDD, ARMD of all offices/units shall ensure compliance hereof.

2) Investigation and Adjudication Phase

- a) All Pre-Charge Evaluation Report initiated by DIDM shall be submitted for approval by the Deputy Chief for Administration pursuant to the delegation of authority bestowed upon him by the Chief, PNP and in observance of the impartiality principle of prosecution aspect of all administrative cases;
- b) All Pre-Charge Evaluation Report initiated in the Police Regional Offices (PROs) and National Support Units (NSUs) shall be submitted and approved by the respective Regional Directors and Directors of said office/unit;
- c) Newly appointed PNP personnel (recruit/lateral/PNP Academy graduate) who commits any violation while still in temporary status shall be subjected to termination proceedings as provided under the applicable circular, NMC No. 2007-009 for recruits and NMC No. 2008-006 for lateral entrants;
- d) All referrals or complaints against uniformed PNP personnel shall comply with the documentary requirements as provided by NMC No. 2007-001 and shall be submitted for evaluation for determination of probable cause within three (3) working days from the date of its submission for evaluation. In case of NUPs, the procedures on preliminary investigation under Rule 4 of the RRACCS shall be complied with;
- e) All complaints filed against PNP Non-Uniformed Personnel shall be evaluated for determination of probable cause within 20 working days pursuant to the RRACCS;
- f) All PNP offices/units shall initiate administrative proceedings against all their personnel with pending criminal case. In cases where the PNP personnel had not been subjected to an administrative proceeding during the pendency of his/her criminal case where he was later adjudged as guilty, the appropriate administrative charges should be filed against that personnel;
- g) All personnel detained by reason of criminal charges filed against them shall be placed under automatic leave of absence without pay;
- h) All complaints filed for purely "non-payment of debt" should be accompanied by any documentary evidence proving that the obligation due is considered "just debt". As defined in the RRACCS, "Just Debt" shall apply only to claims with court adjudication or an obligation admitted by respondent (this provision only applies to NUP respondents);
- i) Following the case law in Madrid vs Auditor General (108 Phil 578) "a person claiming his right to a position in the Civil Service must institute the proper proceedings to assert his right within the period of one (1) year from the date of separation, otherwise, he will be considered as having abandoned his office or even acquiesced or